

APPLICANT(S): LEVY, Andrew  
SERIAL NO.: 10/748,177  
FILED: December 31, 2003  
Page - 5 -

### REMARKS

Claims 1, 3, 12-15, 17 and 26-28 were pending in the application. As a result of the amendments presented herein, Claims 3 and 17 have been cancelled, and claims 1 and 15 amended. Applicants reserve the right to pursue the cancelled subject matter in continuing applications. Thus, Claims 1, 12-15 and 26-28 remain pending.

Furthermore, in response to the restriction requirement dated September 30, 2005, claims 6-11 and 20-25 of Group I, drawn to practicing the claimed methods by determining nucleic acid phenotypes, were withdrawn but inadvertently shown as cancelled. Because Applicants will be permitted rejoinder of the withdrawn claims upon allowance of linking claims (see Office Action mailed November 7, 2006, page 2), previously cancelled claims 6-11 and 20-25 have been represented in the listing of claims herein, indicated as withdrawn. Rejoinder is requested upon allowance.

The present response is intended to be fully responsive to all points of objection and rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

#### Claim Rejections: 35 U.S.C. § 112 - Enablement

The Examiner rejected claims 1, 3, 12-15, 17 and 26-28 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. The Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner provided a detailed discussion of the factors set forth in *in re Wands*.

Applicants, by virtue of the amendments to the claims presented above, request reconsideration of the rejection. To expedite allowance of subject matter indicated as enabled by the Examiner in a prior Office Action, Applicants have focused the pending claims on vitamin E as the antioxidant therapy, and on cardiovascular death or myocardial infarction as the cardiovascular complications. Support for the correlation is provided in Table 5 of the specification.

APPLICANT(S): LEVY, Andrew  
SERIAL NO.: 10/748,177  
FILED: December 31, 2003  
Page - 6 -

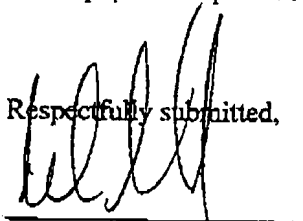
In view of the foregoing amendments and remarks, the pending claims are believed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Furthermore, rejoinder of the withdrawn claims of Group I, claims 6-11 and 20-25, is requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Mark S. Cohen  
Attorney/Agent for Applicant(s)  
Registration No. 42,425

Dated: November 26, 2007

Pearl Cohen Zedek Latzer, LLP  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801